

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 4/15/2022

RICHARD LEBRON,

Plaintiff,

-against-

RAUL RAMOS, M.D., Sight Medical Director, North Infirmary Command; WOLF, Registered Nurse, Hemodialysis Nurse, North Infirmary Command; CORREA, correction Officer, North Infirmary Command; NWAGWU, Correction Officer, North Infirmary Command,

Defendants.

1:19-cv-2598-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On February 8, 2022, the Court granted Defendants' leave to file a motion for sanctions. [ECF No. 111]. The Court directed Defendants to file their motion on or before February 22, 2022 and set Plaintiff's deadline to oppose the motion for March 22, 2022. [ECF No. 111].

Defendants filed a Motion to Dismiss on February 22, 2022, which consisted solely of their memorandum of law in support of their motion to dismiss. [ECF No. 112]. That filing was rejected by the Clerk of Court for a technical deficiency. [ECF No. 112]. The next day, Defendants filed an affidavit of service, which stated that Defendants served on Plaintiff their Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint. [ECF No. 113]. Over a week later, Defendants submitted three filings: (1) a Motion to Dismiss Plaintiff's Amended Complaint, [ECF No. 115]; (2) the declaration of Ana Maria Vizzo, counsel for Defendants, [ECF No. 116]; and (3) a memorandum of law in support of Defendants' Motion to Dismiss, [ECF No. 117]. Defendants did not file an affidavit of service, indicating that any of these three filings were served on Plaintiff.

On April 8, 2022, the Court ordered Defendants to serve a copy of the Court's order dated April 8, 2022 and Defendants' filings at ECF Nos. 115, 116, and 117 on *pro se* Plaintiff by personal service and to file proof of service with the court on or before April 14, 2022. The Court extended Plaintiff's deadline to file an opposition to May 16, 2022.

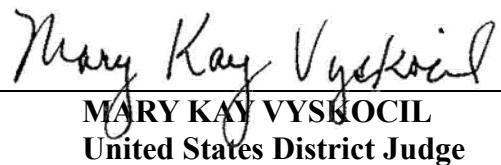
On April 15, 2022, Defendants untimely filed an affidavit of service indicating that the Defendants' filings at ECF Nos. 115, 116, and 117 and the Court's order dated April 8, 2022 were served on Plaintiff. [ECF No. 121]. Further, Defendants filed an affidavit of service indicating that the Defendants' filings at ECF Nos. 115, 116, and 117 had in fact been served on Plaintiff on March 4, 2022. [ECF No. 119].

Accordingly, Plaintiff's deadline to oppose Defendants' motion is extended from May 16, 2022 to May 23, 2022. **SHOULD PLAINTIFF FAIL TO FILE AN OPPOSITION TO DEFENDANTS' MOTION FOR SANCTIONS ON OR BEFORE MAY 23, 2022, THE COURT WILL CONSIDER DEFENDANTS' MOTION UNOPPOSED.**

The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

**Date: April 15, 2022
New York, NY**


**MARY KAY VYSKOCIL
United States District Judge**